



PATENT  
Docket No. 1232-4813

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant(s): Shinya HIRAI

Group Art Unit: 2612

Serial No.: 10/067,056

Examiner: Kelly L. JERABEK

Filed: February 4, 2002

For: SIGNAL PROCESSING APPARATUS, SIGNAL PROCESSING METHOD OF THE APPARATUS, OPERATION PROCESS PROGRAM OF THE METHOD, AND STORAGE MEDIUM STORING THE PROGRAM

**RESPONSE TO ELECTION/RESTRICTION REQUIREMENT**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In the In response to the Election Requirement mailed September 12, 2005 in the above-identified application, kindly consider the following election:

**ELECTION:**

The Examiner, in the Office Action dated September 12, 2005, required election of one of the following species:

First Species: Figures 2-5;  
Second Species: Figures 6-7B;  
Third Species: Figure 8; and  
Fourth Species: Figures 9-10.

In response to the Examiner's requirement, Applicant hereby provisionally elects the First Species, shown in Figures 2-5 which read on at least pending claims 1-8, 12-18, 22-26 and 30-35. Further, at least claims 1, 14, 22 and 30 are believed to be generic. Accordingly, Applicant respectfully requests examination of at least **claims 1-8, 12-18, 22-26 and 30-35** on the merits. Upon allowance of any generic claim, consideration of the additional species is respectfully requested. This election is made with traverse.

Applicant respectfully submits that for such a requirement to be proper, "[t]here must be a serious burden on the examiner if restriction is not required." MPEP §803. Applicant respectfully submits that (1) all groups of restricted claims are properly presented in the same application; (2) undue diverse searching should not be required; and (3) all claims should be examined together. For the foregoing reasons, it is respectfully submitted that the restriction/election requirement should be withdrawn and an action on the merits of all the claims is respectfully solicited.

If any issues exist, or if the Examiner has any suggestions for expediting allowance of the application, the Examiner is invited to contact the undersigned at the telephone number below.

#### **AUTHORIZATION**

The Commissioner is hereby authorized to charge any additional fees which may be required for timely consideration of this paper, or credit any overpayment to Deposit Account No. 13-4500, Order No. 1232-4813.

Dated: 9/30/05

Respectfully submitted,  
MORGAN & FINNEGAN, L.L.P.

By: 

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